

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY
CONCERNING A
JUDGE, NO. 01-
244

**RESPONSE TO THE REQUEST PURSUANT TO RULE 12(B)
OF THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION**

Special Counsel for the Florida Judicial Qualifications Commission, responds to the Request Pursuant to Rule 12(b) of the Judicial Qualifications Commission as follows:

Special Counsel has not determined which witnesses to offer at the hearing and will not be able to do so until some further discovery is taken; however, Special Counsel will promptly forward all information covered by Rule 12(b) to the Respondent as soon as the witnesses are determined. Special Counsel will of course also provide appropriate responses to any discovery requests propounded by the Respondent pursuant to Rule 12(a), Rules of the Florida Judicial Qualifications Commission, and the Florida Rules of Civil Procedure.

Special Counsel objects to this Request as beyond the scope of Rule 12(b), Florida Rules of Judicial Qualifications Commission, and further as overly broad. If the Respondent wishes to request documents of a specific nature pursuant to a Request to Produce Documents, Special Counsel will evaluate the request to determine whether such documents are discoverable generally or are protected by the attorney-client privilege, the trial preparation materials doctrine, and/or the Constitution of the State of Florida.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. mail to: **Louis Kwall, Esq.**, Kwall, Showers & Coleman, P.A., 133 N. St. Harrison Ave., Clearwaters, Florida 33755; **Robert W. Merkle, Jr., Esq.**, Co-Counsel for Respondent, 5510 W. La Salle Street, #300, Tampa, Florida 33607-1713; **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd District Court of Appeal, 2001 S.W. 117th Ave., Miami, Florida 33175-1716; **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32301; **Brooke S. Kennerly**, Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; **Thomas C. MacDonald, Jr., Esq.**, General Counsel to the Investigative Panel of the Judicial Qualifications Commission, 100 North Tampa Street, Suite 2100, Tampa, Florida 33602., this _____ day of December, 2001.

By: _____

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